

Federal Communications Commission

DA 01-2614

ITU "bringing into use" date to our last implementation milestone has the incongruous result of our rules requiring KaStarCom to launch a satellite into one of its assigned orbit locations by October 2006, *i.e.*, after the dates by which KaStarCom would be required to bring its satellite locations into use to protect the date priority of the U.S. ITU filing for one its orbital location. To address this misalignment, we require KaStarCom to launch its satellites into each licensed orbit location and "bring into use" all of the frequency assignments it plans to operate at that orbit location by the appropriate ITU "bringing into use" date. This will protect the United States filings at these locations and thus, KaStarCom's ability to coordinate and gain international recognition for the satellite at each of its assigned orbit locations. Moreover, we do not anticipate that meeting this milestone will be unduly difficult. Under standard industry practice, it generally takes two to three years to construct and launch a satellite.⁶⁵ KaStarCom will have nearly four years in which to launch its satellites into their assigned locations by the ITU "bringing into use" dates.

2. Reporting Requirements

29. We will follow the Part 25 rules for reporting requirements for FSS systems, including an annual report describing the status of satellite construction and anticipated launch date, and a detailed description of the use made of each transponder on its in-orbit satellite.⁶⁶ KaStarCom must file this report on June 30 of each year, containing information current as of May 31 of that year.

3. International Coordination

30. In general, we will follow the applicable advance-publication, coordination, and notification procedures as set forth in the ITU Radio Regulations in coordinating KaStarCom's satellite with other affected administrations. We will also require that KaStarCom provide the Commission with the international coordination information required by our rules.⁶⁷ The orbit location assigned today may be co-located or within two degrees of a non-U.S. licensed satellite filing having date priority in its ITU filings. Under these circumstances, U.S. licensees assigned to these locations are reminded that they take these licenses subject to the outcome of the international coordination process.

IV. CONCLUSION

31. Upon review of KaStarCom's application, we find that KaStarCom is qualified to be a Commission licensee and that, pursuant to Section 309 of the Communications Act of 1934, as amended, 47 U.S.C. § 309, grant of this application will serve the public interest, convenience, and necessity.

V. ORDERING CLAUSES

32. IT IS ORDERED that Application File Nos. 102-SAT-P/LA-98, SAT-LOA-19980312-00018 and SAT-AMD-20010607-0050 ARE GRANTED IN PART, as discussed above, and KaStarCom. World Satellite, LLC IS AUTHORIZED to launch and operate one GSO FSS satellite to provide fixed-satellite service in the 18.3-18.8 GHz and 28.35-28.60 and 29.25- 29.50 GHz frequency bands at the

KaStarCom fall in this category, their July 2005 and October 2006 bring into use dates cannot be further extended.

⁶⁵ See, e.g., *In the Matter of the Application of Comsat Corporation*, 12 FCC Rcd 12059, 12075 ¶ 33 n. 68 (Int'l Bur. 1997) ("It has been our experience that it takes an average of two years to construct and launch a satellite....").

⁶⁶ See 47 C.F.R. § 25.210(1)(1)(2)(3)

⁶⁷ See 47 C.F.R. § 25.111(b).

Federal Communications CommissionDA 01-2614

109.2° W.L. orbital location and one GSO FSS satellite at the 29.50-30.0 GHz and 19.7- 20.2 GHz bands at the 73° W.L. orbital location.

33. IT IS FURTHER ORDERED that the *Second Round Assignment of Geostationary Satellite Orbit Locations to Fixed Satellite Service Space Stations in the Ka-Band*, Order, DA 01-1693 (Int'l Bur. rel. August 3, 2001) is MODIFIED to assign KaStarCom World Satellite, LLC to the 73° W.L. 109.2° W.L. orbital locations.

34. IT IS FURTHER ORDERED that KaStarCom World Satellite, LLC is authorized to operate inter-satellite link operations in the 69.0-70.0 GHz frequency band.

35. IT IS FURTHER ORDERED that KaStarCom World Satellite, LLC's authorization shall become NULL and VOID with no further action on the Commission's part in the event the space station is not constructed, launched, and placed into operation in accordance with the technical parameters and terms and conditions of this authorization by the following dates:

	<u>Construction Commenced⁶⁶</u>	<u>Launch and Operate</u>
Satellite at 73° W.L.	November 2002	October 7, 2006
Satellite at 109.2° W.L.	November 2002	June 25, 2005

36. IT IS FURTHER ORDERED that KaStarCom World Satellite, LLC must coordinate its Ka-band downlink operations with U.S. Government systems, including Government operations to earth stations in foreign countries, in accordance with footnote US334 to the Table of Frequency Allocations, 47 C.F.R. § 2.106, and in accordance with the *18 GHz Report and Order*, 15 FCC Rcd at 13473 at ¶ 90.

37. IT IS FURTHER ORDERED that KaStarCom World Satellite, LLC shall conduct its operations pursuant to this authorization in a manner consistent with the power flux-density requirements of 47 C.F.R. § 2.106 US255 and 47 C.F.R. § 25.208 of the Commission's Rules.

38. IT IS FURTHER ORDERED that KaStarCom World Satellite, LLC shall coordinate its inter-satellite link operations in the 69.0-70.0 GHz band through the National Telecommunications and Information Administration's Interdepartmental Radio Advisory Committee's Frequency Assignment Subcommittee. KaStarCom World Satellite, LLC must also coordinate its FSS inter-satellite operations with all other non-government inter-satellite link operations in those frequency bands.

39. IT IS FURTHER ORDERED that the license term for the space station is ten years and will begin to run on the date KaStarCom World Satellite, LLC, Inc. certifies to the Commission that the authorized satellite has been successfully placed into orbit and the operations fully conform to the terms and conditions of this authorization.

40. IT IS FURTHER ORDERED that KaStarCom World Satellite, LLC will prepare any necessary submissions to the International Telecommunication Union and to affected administrations for the completion of the appropriate coordination and notification obligations for these space stations in accordance with the International Telecommunication Radio Regulations. We also remind KaStarCom World Satellite, LLC that no protection from interference caused by radio stations authorized by other

⁶⁶ See e.g. *In the Matter of Loral Space & Communications Corporation Request for Extension of Time to Construct, Launch, and Operate a Ka-band Satellite System in the Fixed-Satellite Service*, Order, 16 FCC Rcd 11044 (2001). We recognize that WB Holdings is required to commence construction of its first satellite in January 2002 and its second satellite in January 2003. Nothing in this Order tolls or extends that milestone. WB Holdings' decision to share a space station platform with KaStarCom is a business decision wholly in the control of the licensee, and does not justify an extension of its implementation milestone. Extensions of the milestone schedule are granted only when delay in implementation is due to circumstances beyond the licensee's control.

Federal Communications Commission

DA 01-2614

administrations is guaranteed unless coordination procedures are timely completed or, with respect to individual administrations, by successfully completing coordination agreements. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments of other administrations. 47 C.F.R. § 25.111(b).

41. IT IS FURTHER ORDERED that KaStarCom World Satellite, LLC is obliged to comply with the applicable laws, regulations, rules, and licensing procedures in those countries it proposes to serve

42. IT IS FURTHER ORDERED that the temporary assignment of any orbital location to KaStarCom. World Satellite, LLC is subject to change by summary order of the Commission on 30 days notice and does not confer any permanent right to use the orbit and spectrum. Neither this authorization nor any right granted by this authorization, shall be transferred, assigned or disposed of in any manner, voluntarily or involuntarily, or by transfer of control of any corporation holding this authorization, to any person except upon application to the Commission and upon a finding by the Commission that the public interest, convenience and necessity will be served thereby

43. IT IS FURTHER ORDERED that KaStarCom. World Satellite, LLC is afforded 30 days from the date of the release of this Order and Authorization to decline this authorization as conditioned. Failure to respond within that period will constitute formal acceptance of the authorization as conditioned.

44. This Order is issued pursuant to Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, and is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of public notice of this Order (see 47 C.F.R. § 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Donald Abelson
Chief, International Bureau

IRN	Type	Status	Name & Address
0005028055	C		Manatt, Phelps & Phillips, LLP 1501 M Street, N.W. Suite 700 Washington, DC 20005

Fed. ID No.
952375841
POC: Robert J Rini
PHONE: 202-463-4301
FAX NO.:

EMAIL: rrini@manatt.com

ARR025
5/16/2003
15 04.52

IFMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.
OPEN BILL DOCUMENTS

PAGE 1
5/16/2003
15:04:52

CUST NO DOCUMENT NO

AR00001692 20021B002

BILL AMT: \$98,125.00
INT DUE: \$0.00
TRAN TYPE: RECEIVABLE
BILL CYCLE:
BILL DESC: NEW SATELLITE

BILL PAID: \$0.00
PEN DUE: \$0.00
RELEASE DATE: 3/07/02
REFERRAL CODE:

BILL BAL DUE: \$98,125.00
ADMIN DUE: \$0.00
DUE DATE: 1/12/03
EFT:

TOTAL DUE: \$0.00
TRANS DATE:
ACCT PERIOD: 0

SEQ: 1

ITEM AMT: \$98,125.00
PRODUCT:
CODE VLIN:
IDENTIFIER:
CONTACT NAME:
BFY: 2002 FUND: FEE

ITEM PAID: \$0.00
QTY: 0
BUR FILE NO:
COMMENTS: Converted AR PRINCIPAL

ITEM BAL DUE: \$98,125.00
DOC STATUS: 0
BUREAU NAME:

STATUS DT:
IA NUMBER:

PROG. 91

ORG: 9100 PROJ.

CONTACT NO:
BOC: 511 TYPE: D

TOTAL FOR CUSTOMER NO. AR00001692

\$0.00

should be 893,375.00

CD NO	CD DATE	FEE CONTROL NO	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
560447	4/17/02	020417845120001	0005028035	Marratt, Phelps & Phillips, LLP	4/16/02	\$1,335.00
Seq: 1 Call Sign: S2335 FCC Code 1: 1 Applied Amt: 1335.00 PTC CNY QTY. Applicant Name: KASTARCOM WORLD SATELLITE LLC Address: PO BOX 1471						

Total: \$1,335.00